THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4917 of 2007

Dated:22.08.2007

Between:

Mamoon Masood, S/o.Abdul Rameed Khan,
and others.

…Petitioners

and

The Joint Collector,
Medak District at Sanga Reddy,
and others.

…Respondents

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ORDER:

The petitioners claim to be grandchildren of Faizul Mobin Khan, who was allegedly owner of land admeasuring Acs.72.00 in Survey Nos.702, 703, 704, 707 and 708 situated at Rudram Village of Patancheru Mandal in Medak District. They claim to have succeeded to the property. Respondents 4 to 14 herein filed an application under Section 5-A of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') before the third respondent seeking regularization of the transaction by way of an unregistered sale deed, by which they purchased the subject land. After conducting enquiry, the third respondent issued a regularization certificate in Form XIII(B) under Rule 22 of the Andhra Pradesh Rights in Land Pattadar Pass Books Rules, 1989. Aggrieved by the same, the petitioners preferred an appeal under Section 5-B of the Act before the second respondent, who also dismissed the appeal on 20.07.1998. The petitioners then preferred a revision before the first respondent in Case No.F3/6963/1998-F3/9/ROR/1999. The revision was dismissed by the first respondent on 31.01.2006. This order is assailed in the Writ Petition.

Learned Counsel for the petitioners submits that the petitioners produced the copies of the decrees granted by the civil Court showing them as the lawful owners, but they were not considered by respondents 1 to 3, and therefore, their orders are unsustainable. Secondly, it is urged that respondents 4 to 14 allegedly purchased the land from minor children, and therefore, such documents or transaction covered by such documents would not have been regularized under Section 5-A of the Act.

As seen from the order of the first respondent, original pattadar of the lands died leaving his minor children and his wife behind. The wife of the original pattadar gave a General Power of Attorney in favour of the brother-in-law of the deceased pattadar, namely, Farooq Ali, S/o.Khairuddin, who sold the property to the respondents. Their names were also incorporated in Column 10. Further, it was found that they were protected tenants entitled to ownership certificate under Section
38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950. Secondly, it was observed that the petitioners did not place any evidence either documentary or oral in support of the plea that they are the legal heirs of Faizul Mobin Khan. In the absence of such proof that they are legal heirs they could not have challenged the regularization in favour of respondents 4 to 14. In that view of the matter, this Court does not find any error apparent on the face of the record requiring exercise of certiorari jurisdiction by this Court.

The Writ Petition is, therefore, dismissed. No costs.

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(V.V.S.RAO, J)

22.08.2007
vs